

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

Project File Number, Description, and Location

H03-057. Site Development Permit to construct a 20,000 square-foot library on a 2.5 gross acre site in the R-1-8 Residential Zoning District, located at the east side of Hopkins Drive, approximately 150 feet southeasterly of Simon Avenue; 486-27-001 (Alum Rock Union Elementary School District, Owner/City of San Jose, Developer) Council District: 05

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **December 15, 2003**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **November 14, 2003** and ends on **December 15, 2003**.

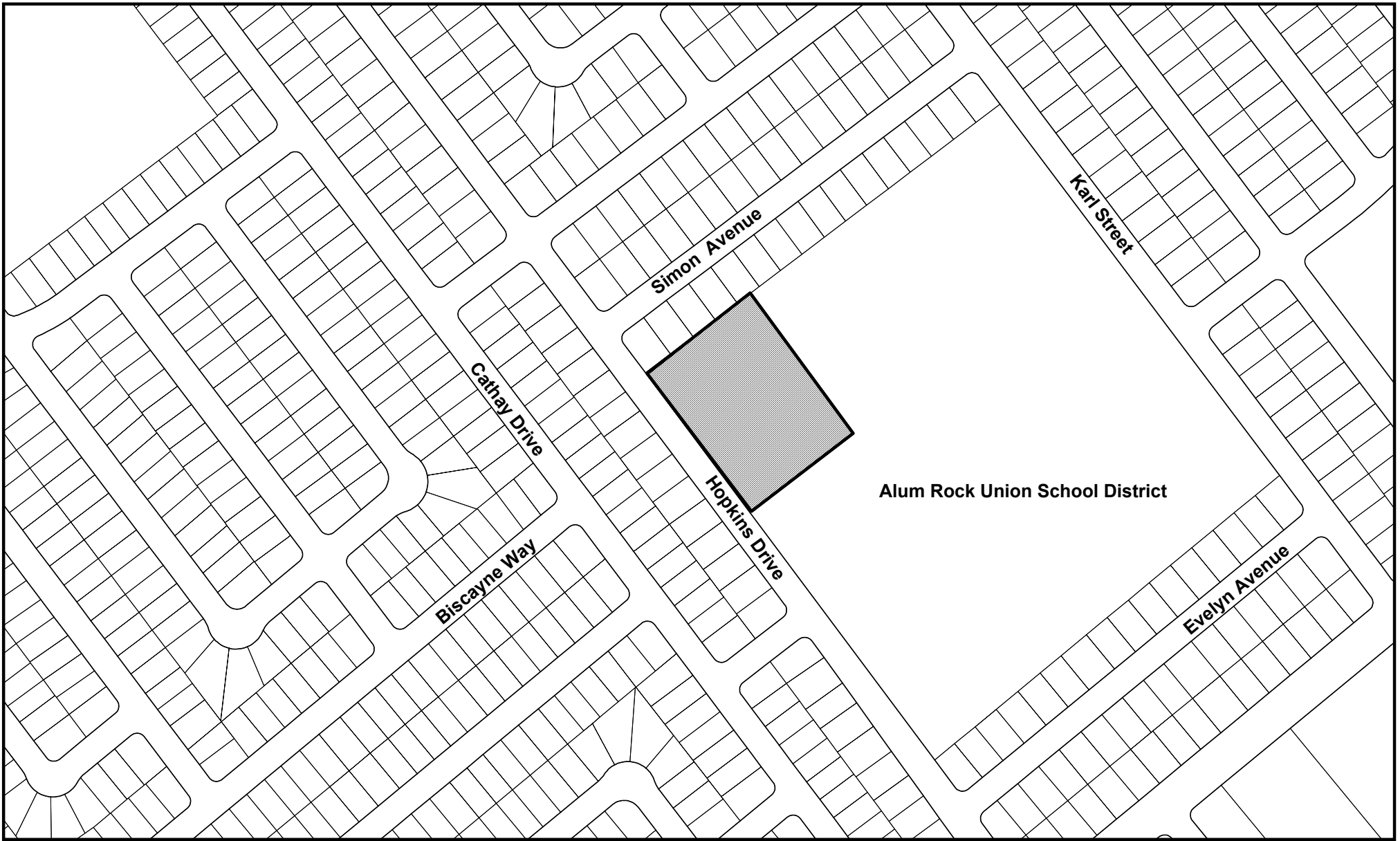
A public hearing on the project described above is tentatively scheduled for **December 17, 2003 at 10 a.m.** in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 180 W. San Carlos Street, and the Hillview Branch Library, 2255 Ocala Avenue, and online at www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2003.htm. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Elena Lee** at (408) 277-4576.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: November 13, 2003

Deputy

MNDPN/JL/10-23-02



Scale: 1"=400'
Date: 10/10/2003



File No: H03-057

District: 5

Quad No: 84

DRAFT
MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Hillview Branch Library

PROJECT FILE NUMBER: H03-057

PROJECT DESCRIPTION: Site Development Permit to construct a 20,000 square-foot library on a 2.5 gross acre site in the R-1-8 Residential Zoning District.

PROJECT LOCATION & ASSESSORS PARCEL NO.: East side of Hopkins Drive, approximately 150 feet southeasterly of Simon Avenue; 486-27-001

COUNCIL DISTRICT: 05

NAME OF APPLICANT: City of San Jose

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:

City of San Jose, Department of Public Works/Architectural and Engineering Division, Attn: Agatha Ng, 675 N. First Street, Suite 300, San Jose, CA 95112

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

Air Quality

1. The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level that is less than significant. The following construction practices would be implemented during all phases of construction on the project site:
 - Use dust-proof chutes for loading construction debris onto trucks.
 - Water to control dust generation during demolition of structures and break-up of pavement.
 - Cover all trucks hauling demolition debris from the site.

- Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction site.
- Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Install gravelbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

Cultural Resources

2. In the event any significant cultural materials are encountered, all construction within a radius of 50 feet of the find will be halted, the Director of Planning, Building and Code Enforcement and the Department of Public Works will be notified, and a qualified archaeologist would examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials. In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 50-foot radius of the find in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:
 - In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
 - A final report shall be submitted to the Director of Planning and Public Works. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Director of Planning.

Soils and Geology

3. The following mitigation measures are included as part of the project and would reduce the potential geologic and soil impacts to a less than significant level:
 - Implementation of standard grading and best management practices will prevent substantial erosion and siltation during development of the site. The soils on the site have a low expansive potential, therefore the project will not expose people and structures to significant geologic hazards.

Seismicity and Seismic Hazards

4. The project buildings would be designed and constructed in conformance with the requirements of the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.

Hazards and Hazardous Materials

5. In order to avoid significant hazards from potential soil contamination, prior to development of the library, the project will complete the following measures to reduce potential impacts to less than significant levels:
 - Phase II soil testing shall be conducted prior to development of the library. The samples shall be collected to a depth of five (5) feet and analyzed for chemicals likely to be found on the site. The results of the testing will be submitted to the City of San José Department of Environmental Services and the Director of Public Works. In the event no substantial contamination is found in the project area, no further mitigation will be needed. The Department of Environmental Services Toxics Specialist shall confirm whether or not further testing or mitigation is required.
 - The Department of Toxic Substances Control is responsible for overseeing cleanup of contaminated soil and for overseeing development activities on contaminated sites. In the event elevated levels of contamination are found during Phase II testing, the Department of Toxic Substances Control (DTSC) shall be consulted for further site assessment and cleanup. A Clearance Letter from DTSC outlining the site history and any cleanup or management requirements will be required to be submitted to the Director of Public Works, Director of Environmental Services and the Director of Planning, Building and Code Enforcement prior to development of the library.

Hydrology and Water Quality

6. The following mitigation measures, included as part of the project, will reduce water quality impacts to a less than significant level:
 - The project will comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation and with the City of San José zoning ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific measures will be implemented to prevent storm water pollution and minimize potential sedimentation during construction:
 - - restricting grading to the dry season or meet other City requirements;
 - use silt fencing to retain sediment on the project site;
 - providing temporary cover of disturbed surfaces to help control erosion during construction;
 - provide permanent cover to stabilize the disturbed surfaces after construction has been completed.
 - The project will include post-construction structural controls where feasible, and Best Management Practices (BMPs) for reducing the volume of storm water runoff and the contamination in storm water runoff as permanent features of the project to the maximum extent practicable, in accordance with the City of San José's requirements, and other local, state, and federal requirement.
 - The project will comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation and with the City of San José zoning ordinance requirement for keeping adjacent streets free of dirt and mud during construction. The following specific measures

will be implemented to prevent storm water pollution and minimize potential sedimentation during construction.

- restrict grading to the dry season or meet City requirements for grading during the rainy season;
- using Best Management Practices to retain sediment on the project site;
- burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains;
- providing temporary cover of disturbed surfaces to help control erosion during construction;
- provide permanent cover to stabilize the disturbed surfaces after construction has been completed;
- the project will comply with the City of San José's NPDES Permit requirements, the City's ordinances and policies related to storm water management, the State Water Resources Control Board General Permit for Discharges of Storm Water Associated with Construction Activity, and other applicable local, state, and federal requirements.

Noise Impacts to the Project

7. The following mitigations will reduce the project noise impacts to a less than significant level:
 - The fence behind the residences to the north shall be repaired to seal all cracks or gaps in the fence or at the base, if this is not feasible then the fence shall be rebuilt to a solid 6-1/2 to 7-foot high wood fence, such that there are no cracks or gaps in the fence or at the base. This measure will significantly reduce the noise generated by activity in the adjacent parking lot.
 - If rooftop-mounted mechanical equipment is used, it shall be shielded from the adjacent residential development utilizing rooftop screens or perimeter parapet wall and noise control baffles, sound attenuators, or enclosures in order to reduce noise levels.

Short-Term Construction Noise Impacts

8. The project includes the following mitigation measures, to reduce the potential noise disturbance to adjacent land uses:
 - Limit construction to hours of 7:00 AM to 7:00 PM on Monday through Friday, with no noise generating construction activities on Saturdays, Sundays or holidays. Construction activities with low noise levels could occur Saturdays, Sundays or holidays with approval from the Director of Public Works.
 - Equip all internal combustion engine-driven equipment with intake and exhaust mufflers which are in good condition and appropriate for the equipment.
 - Unnecessary idling of internal combustion engines should be strictly prohibited.
 - Utilize "quiet" air compressors and other stationary noise sources where technology exists.
 - Control noise from construction workers' radios to the point where they are not audible at existing residences bordering the project site.
 - Notify adjacent residents to the project site of the construction schedule.
 - Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and would require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone

number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. (The City should be responsible for designating a noise disturbance coordinator and the individual project sponsor should be responsible for posting the phone number and providing construction schedule notices).

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **December 15, 2003**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$100 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: November 13, 2003

Deputy

Adopted on: _____

Deputy